



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 07317-98
25 May 2000

LCDR [REDACTED] USNR
[REDACTED]

Dear Commander [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 18 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Navy Personnel Command dated 11 January 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. They found it is definitely unlikely that the result of the Fiscal Year 99 Active Line Lieutenant Commander Selection Board would have changed, had your Navy and Marine Corps Commendation Medal been considered. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

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MILLINGTON TN 38055-0000

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5420

Ser 85/013

11 Jan 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LT [REDACTED] USN, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LT [REDACTED] request for a LCDR Line special promotion selection board.

2. LT [REDACTED] record was reviewed before the FY-98 and FY-99 Active Lieutenant Commander Line Promotion Selection Boards and he was not selected. His request is based on his claim that the FY99 board failed to have before it his Navy Commendation Medal dated 22 January 1998. He further states that he was unaware of the NCM, therefore, was not afforded the opportunity to forward any correspondence pertaining to his award directly to the board prior to convening.

3. [REDACTED] claim that the NCM was not in his record is correct. However, his assertion that this is a material error and constitutes cause for a special promotion board is unsupported. The mere non-availability of the NCM should not be reasoned as lack of material to the board which considered a complete official record supplying a fair portrayal of [REDACTED]'s career performance. The addition of his NCM does not substantially improve the overall quality and competitiveness of his record amongst his peers. Therefore, recommend [REDACTED] request for a special promotion selection board or any consideration for removal of his FY-99 failure of selection be disapproved.

[REDACTED]
BCNR Liaison, Officer Promotions and
Enlisted Advancements Division